

## **ADMINISTRATIVE PANEL DECISION**

Austin Industries, Inc. v. Gidi Lanh  
Case No. D2026-0096

### **1. The Parties**

The Complainant is Austin Industries, Inc., United States of America (“United States”), represented by Slates Harwell Campbell, LLP, United States.

The Respondent is Gidi Lanh, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <careers-austin-ind.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 9, 2026. On January 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 12, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Privacy User #d4423fc3, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 14, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on January 14, 2026. On January 19, 2026, the Center issued a Deficiency notice as required by Paragraph 4(c) of the Rules. On January 20, 2026, the Complainant sent an amended Complaint curing the deficiencies.

The Center verified that the Complaint together with the amendments to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 11, 2026.

The Center appointed Kathryn Lee as the sole panelist in this matter on February 20, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant provides construction, general contractor, and maintenance and repair services in the United States, with more than 7,000 employee-owners. The Complainant has used the AUSTIN mark as the name of its company since its founding in 1918 as “Austin Bridge Company”. The Complainant has also owned and used the domain name <austin-ind.com> for its official website since 1996.

According to information disclosed by the Registrar, the Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on December 11, 2025, and does not resolve to any website with active content. The Respondent has used the disputed domain name to create an email address and contacted a prospective job applicant posing as an actual employee of the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that it owns a trademark registration for the AUSTIN plain word and design mark (United States Trademark Registration Number 4,829,969, registered on October 13, 2015) and that the disputed domain name fully incorporates the AUSTIN text portion of its trademark registration.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent sent emails from an email address generated from the disputed domain name impersonating one of the Complainant’s employees as a “Hiring Specialist” in an attempt to gain personal and financial information from potential job applicants, which represents use of the disputed domain name in bad faith. The Complainant also contends that the disputed domain name is typosquatting of the Complainant’s mark which is evidence of bad faith registration.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions.

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant asserts rights in the AUSTIN mark through a trademark registration. However, the trademark registration that the Complainant noted is a design mark consisting only of a device that appears to be a stylized letter “A”, and the Panel did not find any trademark registration of the Complainant which contains the term “Austin” on the Global Trademark Database of the WIPO.

Although the Complainant failed to submit sufficient evidence to support its unregistered rights in the mark, the Panel finds that the Complainant has unregistered trademark or service mark rights in AUSTIN for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3. In particular, the Complainant has used the name “AUSTIN” for more than 100 years in one form or another. Further, Forbes website describes the Complainant as “one of the nation’s largest, most diversified construction companies” and ranks it Number 130 on its list of America’s Top Private Companies – Construction in 2025, with 4.8 billion USD in revenues in 2025. Further, the Complainant’s Facebook page has 170,000 followers, and the Complainant’s LinkedIn page has 42,000 followers. The Panel finds that such information is sufficient to conclude that the AUSTIN mark has acquired secondary meaning in the construction sector. The Panel also finds that the fact that the Respondent is shown to have been targeting the Complainant’s mark by impersonating its employee through fraudulent emails also supports the that its mark has achieved significance as a source identifier. [WIPO Overview 3.1](#), section 1.3.

Next, the entirety of the mark AUSTIN is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms – here, “careers” and “ind” – may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In addition, the Respondent used the disputed domain name to impersonate an employee of the Complainant in furtherance of fraud, specifically, by asking a prospective job applicant to deposit a fake check for “purchase of equipment.” In such a scheme, the victim is then instructed to send some of the

money to a vendor for the equipment; the check eventually bounces by which time the victim would have sent his own money to the “vendor.” Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered the disputed domain name which incorporates the trademark of the Complainant along with the term “careers” and “ind” which makes the disputed domain name appear as though it is used by the hiring department of the Complainant. Further, the Respondent sent emails to at least one prospective applicant for a job with the Complainant using the name of an actual employee of the Complainant and the Complainant’s real address. It is unlikely for the Respondent to have done so without prior knowledge of the Complainant and its marks. Rather, it is clear that the Respondent knew of the Complainant and its marks and targeted them when registering the disputed domain name.

Also, panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds the third element of the Policy has been established.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <careers-austin-ind.com> be transferred to the Complainant.

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: March 10, 2026